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In re Application of
Robert Van Der Zijpp
Application No. 10/626,163
Filed: July 24, 2003
Attorney Docket No. **CULLP0179US**

ON PETITION

This is a decision on the petition filed July 9, 2008 and supplemented July 23, 2008 to withdraw the holding of abandonment. The petition is being treated under 37 CFR 1.181(b), in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **GRANTED**.

This application became abandoned for failure to pay the issue fee on or before June 6, 2008 as was required by the Notice of Allowance mailed March 6, 2008. This application therefore became abandoned on June 9, 2008. Accordingly, a Notice of Abandonment was mailed July 1, 2008.

The file record discloses that the Notice of Allowance was mailed to the address of record, the same address to which the Notice of Abandonment was mailed and received. However, petitioner contends that the Notice of Allowance was not received. In support, petitioner indicates that a search of the file jacket and docket records revealed that the Notice was not received and submits copies of pages from the docketing system used, wherein receipt of the Notice would have been entered, had it been received to substantiate the claim. The statement and attachments corroborate non-receipt of the Notice of Allowance.

In view of the facts set forth in the petition, it is concluded that the Notice of Allowance was never received. Accordingly, the holding of abandonment is withdrawn. No petition fee is due and none has been charged.

This application is being forwarded to the Technology Center 2628 for a remailing of the Notice of Allowance and Notice of Allowability.

Telephone inquiries concerning this matter should be directed to the undersigned
Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions